



DEPARTMENT OF THE NAVY  
BOARD FOR CORRECTION OF NAVAL RECORDS  
2 NAVY ANNEX  
WASHINGTON DC 20370-5100

TJR  
Docket No: 2583-00  
28 September 2000

[REDACTED]

Dear [REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of Title 10, United States Code, Section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 19 September 2000. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record, and applicable statutes, regulations, and policies.

After careful and conscientious consideration of the entire record, the Board found the evidence submitted was insufficient to establish the existence of probable material error or injustice.

The Board found you enlisted in the Navy on 25 January 1985 at the age of 29. Your record reflects that you served for a year and three months without incident but on 1 April 1986 you received nonjudicial punishment (NJP) for missing the movement of your ship and disobedience. The punishment imposed was forfeitures totalling \$638, restriction and extra duty for 45 days, and reduction to paygrade E-1. Shortly thereafter, on 26 April 1986, you received NJP for assault and were awarded a \$638 forfeiture of pay and restriction and extra duty for 30 days.

Your record further reflects that on 26 February 1987 you received NJP for a three day period of unauthorized absence (UA). The punishment imposed was restriction and extra duty for 45 days and a \$738 forfeiture of pay.

Subsequently, you were notified of pending administrative separation by reason of misconduct due to commission of a serious offense as evidenced by your record of NJPs. At this time you elected to waive your rights to consult with legal counsel and to present your case to an administrative discharge board. Your

commanding officer recommended you be issued an other than honorable discharge by reason of misconduct. The discharge authority approved this recommendation and directed your commanding officer to issue you an other than honorable discharge. On 30 March 1987 you were so discharged.

The Board, in its review of your entire record and application, carefully weighed all potentially mitigating factors, such as your youth and immaturity, record of advancements, and your contention that you were improperly separated without a medical board. However, the Board concluded these factors were not sufficient to warrant recharacterization of your discharge given the serious nature of your misconduct. Given all the circumstances of your case, the Board concluded your discharge was proper as issued and no change is warranted. Accordingly, your application has been denied.

Further, in accordance with your request to appear before the Board, Board regulations state that personal appearances are not granted as a right, but only when the Board determines that such an appearance will serve some useful purpose. In your case, the Board determined that a personal appearance was not necessary and considered your case based on the evidence of record.

The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director